## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

U١	NITED STATES OF AMERICA	)
	Plaintiff,	) 8:11MJ278 )
	vs.	) DETENTION ORDER
JC	DNY VALENCIA,	
	Defendant.	<b>)</b>
A.	Order For Detention  After waiving a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on December 22, 2011, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).	
B.	<ul> <li>Statement Of Reasons For The Detention         The Court orders the defendant's detention because it finds:         X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required.         X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.     </li> </ul>	
C.	contained in the Pretrial Services Report,  X (1) Nature and circumstances of to the crime: the position methamphetamine in vibration minimum sentence of the life imprisonment.  (b) The offense is a crime of the crime of the life imprisonment.  (c) The offense involves a crime of the life imprisonment.	he offense charged: ossession with intent to distribute iolation of 21 U.S.C. § 841(a)(1) carries a en years imprisonment and a maximum of
	may affect whe The defendant X The defendant X The defendant X The defendant X The defendant ties. Past conduct o The defendant The defendant The defendant The defendant The defendant	appears to have a mental condition which other the defendant will appear. has no family ties in the area. has no steady employment. has no substantial financial resources. is not a long time resident of the community. It does not have any significant community of the defendant: has a history relating to drug abuse. has a history relating to alcohol abuse. has a significant prior criminal record.

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(b) At the time of the o Probation	current arrest, the defendant was on:
Parole	
	ending trial, sentence, appeal or completion of
sentence.	
(c) Other Factors:	
	endant is an illegal alien and is subject to
deportatio	
	ndant is a legal alien and will be subject to n if convicted.
	au of Immigration and Custom Enforcement
(BICE) ha	s placed a detainer with the U.S. Marshal.
Other:	
	ness of the danger posed by the defendant's
release are as follows: Th	ne nature of the charges in the Indictment.
V (5) Debuttable Duscounseties	
X (5) Rebuttable Presumption	<u>1s</u> fendant should be detained, the Court also relied
	ble presumption(s) contained in 18 U.S.C. §
	inds the defendant has not rebutted:
	or combination of conditions will reasonably
	ance of the defendant as required and the safety
	and the community because the Court finds that
the crime involves	
(1) A crin	ne of violence; or
	ffense for which the maximum penalty is life
	onment or death; or
` ` /	trolled substance violation which has a maximum
	ty of 10 years or more; or
	ny after the defendant had been convicted of two
	ore prior offenses described in (1) through (3)
	e, <u>and</u> the defendant has a prior conviction for f the crimes mentioned in (1) through (3) above
	is less than five years old and which was
comm	itted while the defendant was on pretrial release.
	or combination of conditions will reasonably
assure the appear	ance of the defendant as required and the safety
	because the Court finds that there is probable
cause to believe:	·
	the defendant has committed a controlled
	ance violation which has a maximum penalty of
	ars or more.
	he defendant has committed an offense under 18
	. § 924(c) (uses or carries a firearm during and
	tion to any crime of violence, including a crime of
	ce, which provides for an enhanced punishment
	nmitted by the use of a deadly or dangerous on or device).
weap	лгогие <i>чье)</i> .

D. Additional Directives
 Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:
 1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable,

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from persons awaiting or serving sentences or being held in custody pending appeal;

- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: December 22, 2011. BY THE COURT:

s/Thomas D. Thalken

United States Magistrate Judge